

SAINT VINCENT AND THE GRENADINES 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Saint Vincent and the Grenadines is a multiparty, parliamentary democracy. The prime minister is the head of the government. King Charles III is the head of state; most royal functions are exercised by a governor-general named by the prime minister. In 2020, Ralph Gonsalves was elected to a fifth consecutive term as prime minister. Regional and local observers assessed the election as generally free and fair.

The Royal Saint Vincent and the Grenadines Police Force is the only security force in the country and is responsible for maintaining internal security. Its units include the Coast Guard, Special Services Unit, Rapid Response Unit, Drug Squad, and Anti-Trafficking in Persons Unit. The police force reports to the minister of national security, a portfolio currently held by the prime minister. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included the criminalization of libel and the criminalization of consensual same-sex conduct between men, but the laws were not enforced during the year.

The government had mechanisms in place to identify and punish officials who commit human rights abuses or engage in corrupt acts.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses

The law prohibits such practices, and there were no reports the government employed them.

Prison and Detention Center Conditions

Prison conditions were less than adequate, although they varied depending on the facility.

Abusive Physical Conditions: As of September, the prison population was 385. The two facilities for male prisoners were near capacity throughout the year. Limited prison capacity prevented authorities from separating juvenile offenders, with offenders between the ages of 16 and 21 held with adult prisoners. Prisoners younger than age 16 were held in a separate facility. Women prisoners were held in a makeshift facility while construction of a women's prison was underway.

Limited physical space and inadequate training for prison officials hindered accommodations for prisoners with disabilities.

Administration: Authorities investigated credible allegations of mistreatment.

Independent Monitoring: The government permitted monitoring by independent nongovernmental observers. No representatives of nongovernmental organizations (NGOs) visited or monitored the prisons during the year.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

The law requires a judicial authority to issue arrest warrants. The bail system was generally effective. Authorities generally gave detainees prompt access to a lawyer. For indigent detainees accused of a capital offense, the state provides a lawyer. For other crimes, the state does not provide a lawyer, and defendants without the financial means to hire a lawyer must represent themselves.

Although lengthy delays prior to preliminary inquiries were noted, government authorities and civil society reported compliance with Court of Appeal guidelines that require a preliminary hearing to be held within nine months of detention.

Pretrial Detention: Some inmates experienced periods of lengthy pretrial detention, caused in part by long judicial backlogs exacerbated by COVID-19. The length of such detention did not exceed maximum sentences for alleged crimes.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent, impartial judiciary in civil matters where one may bring lawsuits seeking damages for human rights violations. Individuals may appeal domestic courts' decisions to the Eastern Caribbean Supreme Court and to the Judicial Committee of the Privy Council in the United Kingdom.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of media.

Libel/Slander Laws: One opposition-linked civil society organization claimed that it sometimes self-censored criticism of the government to avoid facing libel charges under the 2016 Cybercrime Act, which establishes significant criminal penalties – including imprisonment – for libel by electronic communication. The law on libel was not enforced during the year.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights. Members of political opposition-run civil society organizations, however, reported that fellow opposition members were hesitant to participate in antigovernment protests due to fear of retaliation. Although opposition representatives contended that registration requirements for protests violated their right to protest, opposition protests took place throughout the reporting period even without registration.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

e. Protection of Refugees

There were no significant groups of refugees or economic migrants in the country. The government did not have any engagement with the Office of the UN High Commissioner for Refugees.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for protecting refugees. The government addresses each case individually.

f. Status and Treatment of Internally Displaced Persons

Several thousand persons remained internally displaced after volcanic eruptions in April 2021 made up to one-third of the country uninhabitable. The government promoted their safe, orderly, and dignified return or resettlement, including by working with international partners to provide temporary and new, permanent housing.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2020, the United Labour Party secured nine of the 15 elected seats in the unicameral House of Assembly, which also includes eight appointed members. The New Democratic Party won a majority of the popular vote but

secured only six elected seats.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not always implement the law effectively.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Several domestic human rights organizations, including the domestic Saint Vincent and the Grenadines Human Rights Association (SVGHRA), generally operated without government restriction, investigating and publishing their findings on human rights cases. The government held various meetings with civil society that included the SVGHRA. The association was generally regarded as independent and effective.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal. Sentences for rape begin at 10 years' imprisonment. Authorities referred allegations of rape or physical or sexual abuse of women to police, who were generally responsive to these complaints.

The government occasionally offered sexual abuse awareness training, but civil society representatives argued such efforts were insufficient to address the root problems that perpetuated an environment of insensitivity to sexual abuse victims. Police and human rights groups reported that perpetrators commonly made payoffs

to victims of rape or sexual assault in exchange for victims not pressing charges.

Civil society groups reported that domestic violence against women remained a serious and pervasive problem that had increased due to the pandemic. There were some prosecutions of perpetrators during the year. The Division of Gender Affairs in the Ministry of National Mobilization offered programs to assist women and children. In the past, the ministry maintained a crisis center for survivors of domestic violence, but the center was closed for renovations throughout the year.

Sexual Harassment: The law does not specifically prohibit sexual harassment; authorities could prosecute such behavior under other laws. Sexual harassment was reportedly widespread, particularly in the workplace. Local human rights groups and women's organizations considered enforcement in the workplace ineffective, citing a lack of sensitivity by government officials, particularly towards economically vulnerable populations.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was widely available, including for the purpose of family planning. There were no legal or social barriers to accessing contraception, but some religious beliefs and cultural barriers limited its usage.

The government provided access to sexual and reproductive health services, including emergency contraception, for survivors of sexual violence through the Ministry of National Mobilization, Family, Gender Affairs, Youth, Housing, and Informal Human Settlement.

Discrimination: Women enjoy the same legal rights to family, nationality, and inheritance as men. Women receive an equitable share of property following separation or divorce. The law requires equal pay for equal work, and authorities generally enforced it. The Equal Pay Act of 1994 prohibits some forms of discrimination based on sex. Women were legally restricted from working in some industries, including mining, construction, factory work, and energy.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits racial discrimination but does not specifically mention ethnicity. The country does not have a racially or ethnically diverse population. Approximately 71 percent of the population is Black and 23 percent is mixed, primarily of African descent; 3 percent is indigenous.

Children

Birth Registration: Citizenship is derived by birth within the country's territory or by descent via either parent. Birth registration was provided on a nondiscriminatory basis. It usually took place within a few days of birth.

Child Abuse: The law provides a legal framework, including within domestic violence laws, for the protection of children. The Family Services Division of the Ministry of Social Development monitored and protected the welfare of children. The division referred all reports of child abuse to police for action and assisted in cases where children applied for protection orders with the Family Court. The police commissioner reported that officers received training in several areas, including child abuse and investigation of sexual offenses.

Child abuse cases were reported. Unlawful sexual intercourse with children younger than age 15 remained a problem, with some cases possibly linked to transactional sex. Government and NGO interlocutors indicated that child abuse remained a significant problem. NGOs reported there was an increase in sexual abuse of children, particularly girls. In some instances, children either remained in or were sent back to their abuser's homes because they had no alternative. There also were reports of boys being sexually exploited by men. One civil society organization noted the law does not specifically prohibit same-sex statutory rape. Civil society representatives reported that the sentences of abusers were often lenient, citing a case of an individual sentenced to two years in prison after sexually abusing a child, age four.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18. Parental consent is required for underage marriage.

Sexual Exploitation of Children: The law prohibits the commercial exploitation

of children, including the posting and circulation of child pornography on the internet. The government enforced these laws and reminded citizens of the penalties – up to 20 years’ imprisonment – for violating them. The law prohibits girls younger than age 15 and boys younger than 16 from engaging in consensual sexual relations, and the government enforced the law. The law prohibits opposite-sex statutory rape, with special provisions for persons younger than age 13.

Antisemitism

There was no organized Jewish community, and there were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: Anal sex is illegal for men under a statute carrying a maximum penalty of 10 years’ imprisonment; a separate “indecent law” prohibits other forms of same-sex conduct, with a maximum penalty of five years’ imprisonment. These laws were not enforced.

As of November 4, a local court case challenging laws prohibiting certain forms of same-sex conduct was moving to the scheduling phase.

Violence against LGBTQI+ Persons: There were no reports of violence against lesbian, gay, bisexual, transgender, queer, or intersex (LGBTQI+) individuals.

Discrimination: No laws prohibit discrimination against a person based on sexual orientation or gender identity. Some local civil society organizations reported that while hostility against this group had declined, members of the LGBTQI+ community continued to face abuse and discrimination as well as verbal harassment.

Availability of Legal Gender Recognition: There is no legislation providing for legal gender recognition in the country.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of involuntary or coercive medical or psychological practices specifically targeting LGBTQI+ individuals.

Restrictions of Freedom of Expression, Association or Peaceful Assembly: There were no reports of restrictions of freedom of expression, association, or peaceful assembly regarding LGBTQI+ matters.

Persons with Disabilities

No significant reports of violence, harassment, intimidation, or abuses against persons with disabilities by government officials or employees were received during the year. The law prohibits discrimination against persons with physical, sensory, mental, and intellectual disabilities, and the government generally enforced these prohibitions. The law does not mandate access to buildings for persons with disabilities, and access to buildings generally was difficult. NGOs reported subtle discrimination in hiring practices throughout the economy. The government reported that programs to improve recruitment and hiring of persons with disabilities such as the Youth Employment Scheme and the Secondary Education Training Program were no longer operational.

Other Societal Violence or Discrimination

Anecdotal evidence suggested there was some societal discrimination against persons with HIV or AIDS, especially in employment. The government provided food packages to some persons with HIV or AIDS, but civil society representatives reported that eligible participants had to preregister at health centers, which some individuals were reluctant to do due to fear of public identification and discrimination.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions of their choice, bargain collectively, and conduct legal strikes. The law does not require employers to recognize a particular union as an exclusive bargaining agent. The law prohibits antiunion discrimination and dismissal for engaging in union activities. Although the law does not require reinstatement of workers fired for union activity, a court may order reinstatement.

One union accused the government of using a colonial-era public order law to limit its right to protest. Union leaders contended some public servants were arrested and suspended from work without charge until their matters were resolved in court. This resulted in persons experiencing hardships after their cases were dismissed, since their salaries and pensions were not restored by the government. Observers said this was intended to stifle protest.

The government recognizes the right to freedom of association, with restrictions. The International Labor Organization (ILO) noted with concern the discretionary authority of the government over trade union registration and the government's unfettered authority to investigate the financial accounts of trade unions.

The government generally respected the right to collective bargaining in the private sector. Authorities formed arbitration panels, which included tripartite representation from government, businesses, and unions, on an ad hoc basis when labor disputes occurred.

Workers providing essential services – defined as the provision of electricity, water, hospital, and police services – are prohibited from striking unless they provide at least 14 days' notice to authorities. Some of these sectors were not covered under the ILO's description of essential services.

The government did not always enforce labor laws effectively. Penalties were undefined and thus were not consistently commensurate with penalties for other violations involving denials of civil rights, such as discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. Penalties against forced labor carry punishments commensurate with those for analogous crimes, such as kidnapping. The ILO expressed concern that membership in an illegal organization could result in prison labor.

While there were no forced labor investigations during the year, civil society representatives reported that a small number of persons, including children, remained vulnerable to forced labor in underground economic activities in the drug trade and prostitution.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

Laws and regulations related to employment and occupation prohibit discrimination based on sex, age, or disability. While the constitution also generally covers discrimination based on race, national origin, and political opinion, no specific statutes prohibit employment discrimination on these grounds. There are legal restrictions against employing women in certain occupations, including mining, construction, factory work, and the provision of energy and water. The Equal Pay Act provides for the prevention of discrimination based on the gender of the employee, in the rates of remuneration for males and females in paid employment, and for all incidental matters.

The law does not prohibit sexual harassment in employment or protect workers affected by it. Whether the law covers discrimination due to sexual orientation, gender identity, or HIV-positive status was untested in court. The government did not effectively enforce laws prohibiting employment discrimination. Penalties

were not commensurate with laws related to civil rights, such as election interference.

e. Acceptable Conditions of Work

Wage and Hour Laws: Minimum wages varied by sector and type of work and were below the poverty line. The law prescribes hours of work for specific categories, such as industrial employees (40 hours per week), professionals (44 hours per week), and agricultural workers (30 to 40 hours per week). The law provides that workers receive time-and-a-half pay for hours worked above the standard workweek. There was a prohibition against excessive or compulsory overtime, which authorities did not enforce effectively.

Occupational Safety and Health: Occupational safety and health (OSH) standards are generally appropriate for the main industries, agriculture, fisheries, and tourism. OSH experts did not actively identify instances of unsafe conditions. Workers have the right to remove themselves from unsafe work environments without jeopardizing their employment.

Wage, Hour, and OSH Enforcement: The law provides for the safety, health, and welfare of persons at work. The Labor Department is responsible for the administration and enforcement of the law. The government did not effectively enforce OSH laws. Penalties for violations were not commensurate with those for analogous crimes, such as negligence. The law also appears to exempt public-sector employees as well as those working on public-sector projects from the law.

Major OSH issues included industrial safety, specifically exposure to harmful substances and compliance with safety protocols. Inspectors conducted unannounced inspections but were not authorized to levy sanctions. The largest difficulty was government capacity. The ILO reported that no training had been provided to labor inspectors since 2011 and that most officers who had been trained were no longer employed by the Department of Labor. The number of inspectors was insufficient to enforce compliance. The frequency of inspections decreased at the beginning of the COVID-19 pandemic and reportedly had not changed since then.

The Department of Labor does not have the legal authority to impose fines for

violations, but it conducted follow-up inspections to assess if the shortfalls had been addressed; no employers were fined or cited for violations. Judicial officials have the authority to prosecute violations of workplace law and impose fines. Workers who receive less than the minimum wage may file a claim with labor inspectors, who investigate and, if warranted, refer the matter to arbitration. The Labor Department received complaints from workers concerning violations of working conditions but did not provide details regarding the frequency or severity of these violations.

Informal Sector: The government does not collect data on the informal sector. Workers apparently are not covered by wage, hour, or OSH laws or inspections.